

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**UNITED STATES OF
AMERICA**

v.

DANIEL REY SETTLE

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NO. 3:21-cr-00054-N

MOTION TO SUPPRESS STATEMENT OF DANIEL SETTLE

**TO THE HONORABLE UNITED STATES DISTRICT COURT
CHIEF JUDGE DAVID C. GODBEY:**

COMES NOW, DANIEL REY SETTLE, Defendant in the above styled and numbered cause and files this his Motion to Suppress the Statement of Daniel Settle and would show the Court as follows:

I. BACKGROUND

On January 8, 2021, Dallas Police Department Officer Justin Hatch obtained an arrest warrant for Daniel Settle for the offense of continuous trafficking of person and compelling prostitution by force fraud threat or coercion in violation of Texas state law in cause numbers F2175035 and F2175036.

On January 14, 2021, Daniel Settle was arrested at his residence at 1567 Hancock, Mesquite, Texas. Also arrested at the residence for state offenses are AV1 and Kapri Bailey. The residence is searched pursuant to a search warrant. Daniel Settle is taken to the Dallas County jail.

On January 15, 2021, Daniel Settle is in custody at the Dallas County Jail

and arraigned by the Dallas County Magistrate and advises the Court that he is indigent and requests the appointment of an attorney to represent him. **See Ex. A**

Bond is set at \$100,000 each for the charges against Mr. Settle and no restrictions are placed on his communication with anyone. On January 19, 2021, the Court appoints Valencia Bush to represent Mr. Settle. On January 21, 2021, the Court appoints David Jordan to represent Daniel Settle. Jordan's representation is a matter of public record and Jordan visits Settle on the January 22, 2021.

On January 20, 2021, a criminal complaint was filed against Daniel Settle in this case and an arrest warrant was issued. **See Ex B.** After the criminal complaint is filed in federal court and issuance of the warrant after the appointment of counsel in State Court. Agent Kochan and Detective Dustin Hatch go to the Dallas County Jail and have Mr. Settle brought to the Dallas County Sheriff's Office intelligence division for interrogation. There agents advise him that the Dallas County case is dropped, and a federal complaint has been filed against him¹.

On February 1, 2021, Daniel Settle was presented for arraignment before United States Magistrate Judge Renee Toliver. At the arraignment, Judge Toliver appoints Anthony Eiland to represent Mr. Settle.

II. MOTION TO SUPPRESS

Settle moves the Court to suppress his statement which was obtained in violation of the 5th and 6th amendment and in violation of 18 USC § 3501 and Federal Rule of Criminal Procedure 5. Settle moves this Court to grant an evidentiary hearing on his motion to suppress. Settle's statement after

his request for counsel was involuntary. Settle was not promptly taken before the federal magistrate. Settle's request for counsel was ignored. The Dallas court's appointment of counsel at Settle's request was ignored. Settle's counsel was not notified that his client was going to be questioned. Settle did not request to speak with investigators. Settle's presentation before the magistrate was unreasonably delayed for the purpose of obtaining a statement from Settle.

III. APPLICABLE LAWS

In Corley v. United States, 556 U.S. 303, 129 S. Ct. 1558, 173 L. Ed. 2d 443 (2009), the Supreme Court affirmed "that the plain purpose of the requirement that prisoners should promptly be taken before committing magistrates was to check resort by officers to secret interrogation of persons accused of crime." Id. at 1563. Accordingly, confessions made during periods of detention in violation of Rule 5 are inadmissible. In this case, Daniel Settle made a request for counsel. Moreover, Federal Rule of Criminal Procedure 5 and 18 USC§ 3501 provide that a person must be promptly presented for a magistrate and that statements taken more than six hours after arrest but before present to a magistrate are not voluntary. The government has the burden of proving that statement was freely and voluntarily given and it cannot do so.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that his motion to suppress be in all things granted and that the court suppress any of the Defendant's statements and such other evidence acquired from the Defendant after his arrest by a government agent.

Respectfully submitted,

/s/Russell Wilson II
RUSSELL WILSON II
Texas State Bar No. 00794870
The Law Offices of Russell Wilson II
1910 Pacific Ave. Suite 12050
Dallas, Texas 75201
469-573-0211
972-704-2907 (FAX)
russell@russellwilsonlaw.com
Attorney for Defendant
DANIEL REY SETTLE

CERTIFICATE OF SERVICE

This is to certify that on September 25, 2023, a true and correct copy of the above and foregoing document was served on all parties via ECF.

/s/Russell Wilson II
RUSSELL WILSON II



ELECTION OF COUNSEL

DEFENDANTS

EXHIBIT

A

exhibitsticker.com

Name: DANIEL RAY SETTLE

Sex: Male

- Offense(s):
- F2175036 - TRAFFICKING OF PERSONS: CONTINUOUS - Felony - 1st Degree - Criminal District Court No. 7
 - F2175035 - COMPEL PROST BY FORCE/THREAT/COERCION/FRAUD - Felony - 1st Degree - Criminal District Court No. 7

Yes, I am requesting the Court make a determination of indigence and appoint counsel to represent me. I have been advised by the Magistrate of my right to representation by counsel in connection with the charge(s) pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the Court to appoint counsel for me. I understand that I may be required to repay Dallas County for a court-appointed lawyer.

I swear that the above information is true and correct.

***All information is subject to verification. Falsification of information is a criminal offense.**

Arrested Person

01/15/2021
at 2:51 AM

Date

Signed this 01/15/2021 at 2:51 AM

Turley, Hal, Magistrate,
Dallas County, Texas

APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANT

STATE OF TEXAS	&	Criminal District Court No. 7
VS	&	OF
DANIEL RAY SETTLE	&	Dallas County, TEXAS

Offense(s)

Date	Offense	Court	Cause	Complaint	MT R/ MT A	Appe al	Bond Company Name	Bond Company Phone
08/19/20	TRAFFICKING OF PERSONS: CONTINUOUS (F1)	Criminal District Court No. 7	F2175036		<input type="checkbox"/>	<input type="checkbox"/>		
08/19/20	COMPEL PROST BY FORCE/THREAT/COERCION/FRAUD (F1)	Criminal District Court No. 7	F2175035		<input type="checkbox"/>	<input type="checkbox"/>		

Defendant

Name DANIEL RAY SETTLE
 Local Id 3030076 Date of Birth 6/30/1986
 Phone Cell Phone
 Email
 Address 1567 HANCOCK DR
 City, State Zip MESQUITE, Texas 75149
 Gender Male Race White

Custody Location

Appointed Attorney

Name Valencia Bush
 Phone 214-631-3435 Fax

This appointment must be confirmed by 10am the following business day using the Defense Portal. If you fail to notify the Court by confirming receipt the appointment does not become effective, a different attorney will be appointed to the case, and you will not be compensated for this appointment.

Counsel is required to contact the accused within 48 hours of receipt of this Order/Appointment by mail or in person with an in-person visit being the preferred method of contact as required by Texas Code of Criminal Procedure, Article 26.04(j).

Your client is entitled to a formal adversarial bail review hearing before a Felony/Misdemeanor Court Judge in Dallas County. If your client's case has been pre-assigned to a felony/Misdemeanor court, please inform the coordinator of the Court, in which the case has been pre-assigned, if you would like to request this hearing. You may need to file a writ of habeas corpus to invoke the Court's jurisdiction prior to your hearing. That writ form is in the clerk's office for your convenience.

If your client is interested in a grand jury waiver, please contact the Assistant District Attorney assigned to your client's case.

Attorney appointed from the County Approved Attorney Wheel and is the next attorney qualified to represent the defendant.

Court Appointed Designee	Date	Time
Mikeshia Allen	1/19/2021	10:34 AM

APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANT

STATE OF TEXAS VS DANIEL RAY SETTLE	& & &	Criminal District Court No. 7 OF Dallas County, TEXAS
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Offense(s)

Date	Offense	Court	Cause	Complaint	MT R/ MT A	Appe al	Bond Company Name	Bond Company Phone
08/19/20	TRAFFICKING OF PERSONS: CONTINUOUS (F1)	Criminal District Court No. 7	F2175036		<input type="checkbox"/>	<input type="checkbox"/>		
08/19/20	COMPEL PROST BY FORCE/THREAT/COERCION/FRAUD (F1)	Criminal District Court No. 7	F2175035		<input type="checkbox"/>	<input type="checkbox"/>		

Defendant

Name DANIEL RAY SETTLE
 Local Id 3030076 Date of Birth 6/30/1986
 Phone Cell Phone
 Email
 Address 1567 HANCOCK DR
 City, State Zip MESQUITE, Texas 75149
 Gender Male Race White
 Custody Location West Tower

Appointed Attorney

Name David Jordan
 Phone 214-956-7824 Fax

This appointment must be confirmed by 10am the following business day using the Defense Portal. If you fail to notify the Court by confirming receipt the appointment does not become effective, a different attorney will be appointed to the case, and you will not be compensated for this appointment.

Counsel is required to contact the accused within 48 hours of receipt of this Order/Appointment by mail or in person with an in-person visit being the preferred method of contact as required by Texas Code of Criminal Procedure, Article 26.04(j).

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Court Appointed Designee	Date	Time
Mikeshia Allen	1/21/2021	11:06 AM

EXHIBIT

C

AFFIDAVIT OF DAVID JORDAN

My name is David Jordan. I am an attorney licensed to practice law in the State of Texas. The facts stated in this affidavit are true and correct and based on my personal knowledge.

On January 15, 2021 Daniel Ray Settle appeared before Dallas County Magistrate Judge Hal Turley on the offenses of Trafficking of Persons Continuous (F2175036) and Compelling Prostitution by Force/ Threat/ Coercion/ Fraud (F2175035). At the time of his appearance, Daniel Settle indicated to the Court that he was indigent and requested the appointment of counsel to represent him. The request for counsel appears on a form entitled "Election of Counsel". I have attached the form to this affidavit.

On January 19, 2021, the Court appointed Valencia Bush to represent Mr. Settle. I have attached the appointment to this affidavit. On January 21, 2021, the Court appointed me to represent Mr. Settle. On January 22, 2021, I visited with Mr. Settle regarding his case.

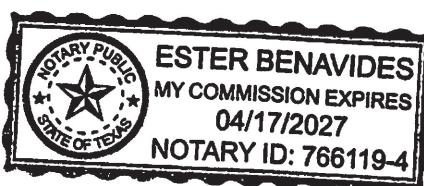
I understand that a statement was taken from Mr. Settle while he was in custody of the Dallas County Sheriff on the above referenced warrants. I was not contacted by any law enforcement agency, the United States Attorney's Office for the Northern District of Texas, nor the Dallas County District Attorney's Office regarding speaking to Mr. Settle. My appointment to represent Mr. Settle was publicly available on the same warrant numbers that were generated with his arrest. I would not have permitted any law enforcement agents to speak with Mr. Settle without me being present.

An inmate who is in custody at the Dallas County Jail can be involuntarily brought to a location in the jail where a law enforcement agent can speak with the inmate. One such location is the Dallas County Sheriff's Office Intelligence Section.


DAVID JORDAN

SUBSCRIBED AND SWORN BEFORE ME THIS 12 DAY OF SEPTEMBER 2023.


ESTER BENAVIDES
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



SEALED

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

EXHIBIT

B

United States of America

v.

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Case No. 3:21-MJ-51-BN

DANIEL REY SETTLE
a.k.a. "POLO"

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Daniel Rey Settle, a.k.a. "Polo",

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1591(a) and (b)(1) - Sex Trafficking Through Force, Fraud, or Coercion

Date: 01/20/2021



Issuing officer's signature



City and state: DALLAS, TEXAS

DAVID L. HORAN, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

United States of America

v.

DANIEL REY SETTLE
a.k.a. "POLO"

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Printed name and title